

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ANDREW LECHTER, et al.)	
)	
Plaintiffs,)	
)	CIVIL ACTION FILE NO.
v.)	
)	1:20-CV-01325-AT
APRIO, LLP f/k/a HABIF,)	
AROGETI & WYNNE, LLP, et al.,)	
)	
Defendants.)	
_____)	

**MOTION TO DISMISS BY
ATLANTIC COAST CONSERVANCY, INC.
AND DR. ROBERT D. KELLER**

Defendants Atlantic Coast Conservancy, Inc. (“ACC”) and Dr. Robert D. Keller (“Dr. Keller”), pursuant to Fed. R. Civ. P. 8, 9(b) and 12(b)(6), hereby move the Court to dismiss all the claims against ACC and Dr. Keller as time-barred by the applicable statutes of limitations. Besides being too late, Plaintiffs’ shotgun Complaint, lacking in the required specificity and particularity, fails to state any plausible claim upon which relief may be granted against ACC or Dr. Keller, so it must be dismissed. Plaintiffs’ federal RICO claims also fail as a matter of law because securities fraud cannot constitute a predicate act for RICO. In support of

this Motion, ACC and Dr. Keller submit and rely on their accompanying Memorandum of Law.

Dated: August 7, 2020

SMITH, GAMBRELL & RUSSELLLLP

/s/ Colin Đặng Delaney

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Attorneys for Defendants

Atlantic Coast Conservancy, Inc. and Dr.

Robert D. Keller

LOCAL RULE 5.1 CERTIFICATION

I hereby certify that the forgoing Motion To Dismiss By Atlantic Coast Conservancy, Inc. and Dr. Robert D. Keller and supporting Memorandum have been prepared in Times New Roman 14 point font in accordance with Local Rule 5.1.

Respectfully submitted this 7th day of August, 2020.

SMITH, GAMBRELL & RUSSELL
LLP

/s/ Colin Đặng Delaney

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on this date he caused a true copy of the foregoing **MOTION TO DISMISS BY ATLANTIC COAST CONSERVANCY, INC. AND DR. ROBERT D. KELLER** to be filed with the Clerk of the Court by using the Pacer NextGen CM/ECF system, which will automatically send a notice of electronic filing to all counsel of record in this case. No other counsel or parties are known to the undersigned to be entitled to receive service of papers filed in this case.

This 7th day of August, 2020.

/s/ Colin Đăng Delaney

Colin Đăng Delaney

Georgia Bar No. 216858

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